



PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In re United States Patent Application of:</b>	)	<b>Customer No.:</b>	<b>23448</b>
	)		
<b>Applicants:</b>	)	<b>Confirmation</b>	<b>9609</b>
<b>Christoph Wagener, et al.</b>	)	<b>No.:</b>	
	)		
<b>Serial No.:</b>	)	<b>Atty. Docket No.:</b>	<b>4121-124</b>
<b>09/831,794</b>	)		
	)		
<b>Date Filed:</b>	)	<b>Examiner:</b>	<b>L.R. Helms</b>
<b>August 3, 2001</b>	)		
	)		
<b>Title:</b>	)	<b>Group Art Unit:</b>	<b>1642</b>
<b>INFLUENCING ANGIOGENESIS USING</b>	)		
<b>CD66a</b>	)		

**EXPRESS MAIL CERTIFICATE**

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified, in an envelope addressed to the Mail Stop Non-Fee Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 and Express Mailed under the provisions of 37 CFR 1.10.

Candace White

November 21, 2003

Date

EV204080883US

Express Mail Label Number

**DECLARATION ATTESTING TO DEPOSIT OF BIOLOGICAL MATERIAL, IN COMPLIANCE WITH REQUIREMENTS OF 37 CFR §1.801-1.809, FOR U.S. PATENT APPLICATION NO. 09/831,794**

Commissioner for Patents  
Mail Stop Non-Fee Amendment  
P.O. Box 1450  
Alexandria, VA 22313-1450

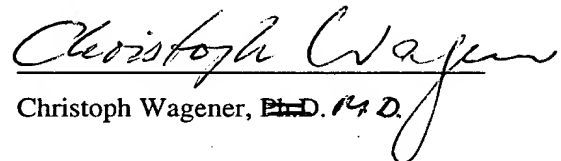
Sir:

I, Christoph Wagener as a co-inventor of the above-identified application hereby declare:

1. THAT attached as Exhibit 1 hereof is a true and exact copy of International Form DSMZ-BP/4 and International Form DSMZ-BP/9 issued by DSMZ-Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH, Mascheroder Weg 1b, D-38124 Braunschweig, Germany, an International Depository under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, such Exhibit 1 comprising RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITORY AUTHORITY (first page) and a VIABILITY STATEMENT issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSITORY AUTHORITY ("Depository Receipt" and "Viability Statement," respectively).
2. THAT the Depository Receipts identify the following deposits:
  - (1) anti-CD66a 4D1/C2, with its accession number DSM ACC237 and the deposit date of October 22, 1998;
3. THAT the Viability Statements attest to the viability of the deposits under the following accession numbers:
  - (1) DSM ACC237 on October 22, 1998;
4. THAT the deposit of anti-CD66a 4D1/C2 of the above-identified application, was made under the provisions of the Budapest Treaty, by the Deutsche Sammlund von Mikroorganismen und Zellkulturen GmbH as an International Depository Authority under the provisions of the Budapest Treaty, that all restrictions on public access to the deposit will be irrevocably removed on the grant of a patent on this application, that the deposit will be replaced if viable samples cannot be dispensed by the Depository, and specifically further that (a) during the pendency of this application, access to the deposit will be afforded to the Commissioner upon request, (b) all restrictions upon the availability to the public of the deposited biological material will be irrevocably removed upon granting of a patent on this application, (c) the deposit will be maintained in a public depository for a period of at least thirty (30) years from the date of deposit or for the enforceable life of the patent or for a period of five (5) years after the date of the most recent request for the furnishing of a sample of the deposited biological material, whichever is longest, and (d) the deposit will be replaced if it should become nonviable or non-replicable.

5. THAT the deposited materials specified in the Depository Receipts and Viability Statements are the same as the material identified in the above-identified application, and that the deposited material was in the applicants' possession at the time the above-identified application was filed.

**I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.**

  
Christoph Wagener, ~~Ph.D.~~ M.D.

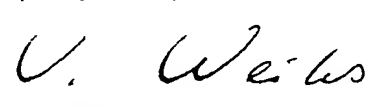
BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Universitäts-Krankenhaus  
Eppendorf  
Abt. für klinische Chemie  
Martinistr. 52

20246 Hamburg

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR:  4D1C2	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY:  DSM ACC2371
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
<p>The microorganism identified under I. above was accompanied by:</p> <p>( ) a scientific description ( ) a proposed taxonomic designation</p> <p>(Mark with a cross where applicable).</p>	
III. RECEIPT AND ACCEPTANCE	
<p>This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 1998-10-22 (Date of the original deposit)<sup>1</sup>.</p>	
IV. RECEIPT OF REQUEST FOR CONVERSION	
<p>The microorganism identified under I above was received by this International Depositary Authority on (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).</p>	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH  Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):   Date: 1998-11-05

<sup>1</sup> Where Rule 6.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.